

GORMAN FLOOR AMENDMENT

SENATE AMENDMENTS TO S.B. 1491

(Reference to printed bill)

- 1 Page 6, strike lines 41, 42 and 43
- 2 Page 7, line 8, after the period insert "THE COMMISSIONER SHALL ALSO PROVIDE NOTICE
3 OF THE ORDER OR SUSPENSION TO ALL PARTIES WITH A FINANCIAL INTEREST IN THE
4 SUBDIVISION PROPERTY WITHIN FIFTEEN DAYS OF ISSUING THE ORDER OR SUSPENSION."
- 5 Line 26, strike "one FIVE" insert "one"
- 6 Strike lines 34 through 45
- 7 Strike pages 8, 9 and 10
- 8 Page 11, strike lines 1 through 23, insert:

"C. A SUBDIVIDER OR AGENT WHO IS SUBJECT TO THE JURISDICTION OF THE DEPARTMENT, WHO IS FOUND TO BE ACTING IN CONCERT AS DEFINED IN THIS ARTICLE FOR A LOT OR LOTS CREATED FROM AND AFTER DECEMBER 31, 2008 AND ON AN ORDER ISSUED BY THE COMMISSIONER, MAY BE ASSESSED A CIVIL PENALTY BY THE COMMISSIONER, AFTER A HEARING, IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR EACH INFRACTION. AN INFRACTION THAT CONCERN MORE THAN ONE LOT IN A SUBDIVISION IS A SINGLE INFRACTION FOR THE PURPOSES OF THIS SUBSECTION. A PROCEEDING FOR THE IMPOSITION OF A CIVIL PENALTY OR SUSPENSION OR REVOCATION OF A LICENSE FOR A VIOLATION OF THIS SUBSECTION OR ANY RULE ADOPTED OR ORDER ISSUED BY THE COMMISSIONER MUST BE COMMENCED WITHIN FIVE YEARS OF ACTUAL DISCOVERY BY THE DEPARTMENT OR DISCOVERY THAT SHOULD HAVE OCCURRED WITH THE EXERCISE OF REASONABLE DILIGENCE BY THE DEPARTMENT.

21 Sec. 4. Title 32, chapter 20, article 7, Arizona Revised Statutes, is
22 amended by adding section 32-2195.12, to read:

23 32-2195.12. Recording of actions

24 A. WHENEVER THE COMMISSIONER ISSUES A CEASE AND DESIST ORDER, OBTAINS
25 A COURT ORDER ENJOINING FURTHER SALES, ISSUES AN ORDER OF PROHIBITION OR
26 SUSPENDS APPROVAL OF AN UNSUBDIVIDED LANDS PUBLIC REPORT, THE ACTION SHALL BE
27 RECORDED IN THE BOOK OF DEEDS IN THE OFFICE OF THE COUNTY RECORDER IN ANY
28 COUNTY IN WHICH THE UNSUBDIVIDED PROPERTY IS LOCATED. THE COMMISSIONER SHALL
29 ALSO PROVIDE NOTICE OF THE ORDER OR SUSPENSION TO ALL PARTIES WITH A

Senate Amendments to S.B. 1491

1 FINANCIAL INTEREST IN THE UNSUBDIVIDED PROPERTY WITHIN FIFTEEN DAYS OF
2 ISSUING THE ORDER OR SUSPENSION.

3 B. IN THE EVENT OF A REVOCATION OF ANY OF THE ORDERS WHICH REQUIRE
4 RECORDING IN SUBSECTION A, AN ORDER OF RELEASE SHALL BE RECORDED IN THE SAME
5 MANNER.”

6 Renumber to conform

7 Page 14, line 42, strike “A COURT CASE,”

8 Line 43, strike “A LOCAL ORDINANCE OR”; after the second “ORDER” insert “OR A
9 PENDING LEGAL ACTION”

10 Amend title to conform

3/19/08
2:30 PM
S: rbc